

Application Serial No.: 09/337,538
Attorney Docket No. 042846-0312482
Request for Pre-Appeal Brief Review



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE PATENT Frank Alan PAVELSKI
APPLICATION OF:
SERIAL NO.: 09/337,538
ATTORNEY DOCKET NO.: 042846-0312482
FILING DATE: June 22, 1999
ART UNIT : 2179
EXAMINER MYLINH T TRAN
FOR: SYSTEM AND METHOD FOR CUSTOMIZING WORKSPACE USING PREDEFINED
FRAMESETS

REQUEST FOR PRE-APPEAL BRIEF REVIEW

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA. 22313-1450

Sir:

In response to the Final Office Action mailed August 19, 2005 ("Final Office Action"), and the Advisory Action mailed November 7, 2005 ("Advisory Action"), Applicant requests review of the final rejection in the above-identified application. This request is being concurrently filed with a Notice of Appeal. The review is requested for the reasons provided in the **Remarks** beginning on page 2 of this paper. A total of 4 pages are provided.

Pursuant to 37 C.F.R. § 1.193(b)(2) and MPEP § 1208.03, Applicant requests that the fee paid for the notice of appeal filed on May 13, 2004 be applied to the current notice of appeal. Thus, no fee associated with the current notice of appeal is being provided.

It is not believed that extensions of time or fees for net addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, if additional extensions of time are necessary to prevent abandonment of this application, then such extensions of time are hereby petitioned for under 37 C.F.R. § 1.136(a), and any fees required therefore (including fees for net addition of claims) are hereby authorized to be charged to our Deposit Account No. 033975 (**Ref. No. 042846-0312482**).

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REMARKS

Claims 1, 3-8, 10-15, 17-22, 24-29, and 31-33 are pending in this application. No claims are amended, added, or canceled by this paper. In view of the following remarks, the rejection of all of the pending claims should be withdrawn.

Rejections Under 35 U.S.C. § 102

Claims 1, 3-8, 10-15, 17-22, 24-29, and 31-33 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 6,301,586 to Yang et al (“Yang”). However, Yang fails to disclose every element of the pending claims. As such, the rejections of all of the pending claims must be withdrawn.

The invention relates generally to a system and method for enabling users to customize a layout of a view for a computer application by selecting among a plurality of predefined framesets. The user may be presented with an option to select the number of frames the user desires in the layout. In response to the user’s specification of a number of frames, one or more of the plurality of framesets are retrieved from the plurality of predefined framesets having the specified number of frames. The retrieved framesets, having the specified number of frames, are simultaneously displayed to the user. The user is then able to select one of the retrieved framesets.

Claim 29 recites, among other things, “enabling the user to specify a number of frames that are displayed for the plurality of predefined framesets” and “in response to the user specifying the number of frames, retrieving one or more of the plurality of predefined framesets, wherein each of the one or more of the plurality of predefined framesets includes the specified number of frames.” At least these features are not disclosed by Yang.

In the Final Office Action, the Examiner argues that the three picture layouts (horizontal, vertical, and diagonal) illustrated in Figure 3 of the Yang reference correspond to a plurality of framesets, as claimed in the invention. Even if these layouts could be considered framesets (which is not admitted), Yang does not disclose enabling a user to specify a number of frames that are displayed in the plurality of predefined framesets. The horizontal, vertical, and diagonal picture layouts illustrated in Yang do not change based on a selection of a number of pictures per page.

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Even after a telephone interview with the Examiner and a response to the Final Office Action explicitly referencing passages in Yang to support Applicant's position, the Examiner has issued an Advisory Action maintaining the Examiner's erroneous assertions. In the Advisory Action, the Examiner refers to column 16, lines 10-60 of Yang as allegedly teaching a "plurality of predefined framesets such as Horizontal, Vertical, and Diagonal that will change based on the number of pictures per page."

The cited portion of Yang appears to be a table illustrating how a final hard copy layout of pictures would appear based on a user's selection of a number of pictures and a picture layout. This final layout refers to how the pictures are displayed after a user has selected a picture layout. Displaying pictures on a page is not analogous to displaying frames in a frameset. For example, in Yang, the user is unable to specify a number of frames to be presented with a plurality of framesets having the selected number of frames or to select one of the retrieved framesets, as claimed.

The Examiner is apparently ignoring the remaining portions of Yang which directly contradict the Examiner's assertions. As described above, the Examiner alleges that Yang teaches that the picture layouts will change based on the number of pictures per page.

However, in column 16, lines 1-5, Yang recites the following:

For the Picture layout, the dialog will show sketches of two pictures and three lines displayed side by side (horizontal), up and down (vertical), or diagonally. These sketches will not change based on the number of pictures per page. (*Emphasis added.*)

Because Yang fails to disclose every claim element, claim 29 is not anticipated by Yang. As such, withdrawal of the rejection is requested.

Claim 1 recites, among other things, "a frame number specification object that enables the user to specify a number of frames in the plurality of predefined framesets that are simultaneously displayed." At least this feature is not disclosed by Yang. As explained above in reference to claim 29, the picture layouts, which the Examiner equate with the plurality of framesets, do not change based on the user selection of a number of pictures. As such, even if these picture layouts were considered framesets, a user cannot specify the number of frames in the plurality of predefined frameset arrangements that are simultaneously displayed. Thus, claim 1 is not anticipated by Yang.

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Independent claims 8, 15, and 22 recite features similar to those discussed above with respect to claims 1 and 29. As such, claims 8, 15, and 22 are not anticipated by Yang.

Claims 3-7, 10-14, 17-21, 24-28, and 31-33 depend from and add features to one of claims 1, 8, 15, 22, and 29. Thus, these dependent claims are allowable over the Yang for at least the reasons described above and for the additional features provided.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Date: November 21, 2005

Respectfully submitted,

By:


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